



United States Attorney's Office District of Connecticut Press Release

May 17, 2007 HAMILTON SUNDSTRAND SENTENCED FOR VIOLATING THE FEDERAL CLEAN WATER ACT

Windsor Locks company will pay \$12 Million in fines and environmental projects

Kevin J. O'Connor, United States Attorney for the District of Connecticut, Michael E. Hubbard, Special Agent in Charge of the Environmental Protection Administration's Criminal Investigation Division in New England, and Gina McCarthy, Commissioner of the Connecticut Department of Environmental Protection, announced that HAMILTON SUNDSTRAND CORPORATION, of Windsor Locks, Connecticut, was sentenced today by United States District Judge Alvin W. Thompson in Hartford to five years of probation and ordered to pay a fine of \$1,000,000. On February 8, 2007, HAMILTON SUNDSTRAND pleaded guilty to two counts of violating the federal Clean Water Act.

According to documents filed with the Court and statements made in court, HAMILTON SUNDSTRAND designs and manufactures aerospace systems for commercial, regional, corporate and military aircraft, and is a major supplier for international space programs. With more than 16,000 employees and facilities throughout the world, HAMILTON SUNDSTRAND is among the largest global suppliers of technologically advanced aerospace and industrial products.

HAMILTON SUNDSTRAND operates a facility at One Hamilton Road in Windsor Locks, where it manufactures air, spacecraft and marine control systems and components. In the course of the manufacturing process, HAMILTON SUNDSTRAND generates various metal finishing and parts-testing wastewaters that contained toxic pollutants, including chromium and copper. Some of those wastewaters were treated on-site in HAMILTON SUNDSTRAND's wastewater treatment system before being discharged into the Farmington River.

Under the Clean Water Act, HAMILTON SUNDSTRAND was prohibited

from discharging pollutants to the Farmington River except in compliance with the conditions and limitations of a National Pollutant Discharge Elimination System (NPDES) permit issued by the Connecticut Department of Environmental Protection (CT DEP) under delegation from the Environmental Protection Agency (EPA). HAMILTON SUNDSTRAND's NPDES permit established numerical limits at specified discharge locations for a list of pollutants, including hexavalent chromium and copper. To ensure compliance with those limits, the permit required that HAMILTON SUNDSTRAND conduct representative monitoring of its wastewater at those locations. The results of the monitoring were required to be submitted to the CT DEP in monthly Discharge Monitoring Reports (DMRs).

HAMILTON SUNDSTRAND's wastewater treatment system included a hexavalent chromium reduction system, also referred to as the chrome reactor. The purpose of this system was to reduce hexavalent chromium to trivalent chromium, which can then be removed from the wastewater through chemical precipitation. The hexavalent chromium reduction was accomplished through the automatic addition of sulfuric acid and sodium bisulfite. The sampling protocol for the chrome reactor called for the collection and analysis of six "grab samples" each operating day. The analytical data was compiled on Daily Records Sheets, which were used to prepare the monthly DMRs. The results of all monitoring of the chrome reactor discharge were required to be included in the calculation and reporting of data in the monthly DMRs.

In pleading guilty, HAMILTON SUNDSTRAND admitted that, from 2001 through 2003, the chrome reactor did not meet hexavalent chromium permit limits on a consistent basis. When grab samples revealed hexavalent chromium levels above permit limits, HAMILTON SUNDSTRAND sometimes omitted the data from Daily Records Sheets entirely. Other times, the data was recorded on the Daily Records Sheets and then altered to conceal the permit violations. In either case, the chrome violations were not reported to CT DEP on the monthly DMRs. Instead, HAMILTON SUNDSTRAND knowingly submitted monthly DMRs that falsely presented altered and selected data as "representative" of the chrome reactor discharge, thereby concealing repeated violations of its NPDES permit.

HAMILTON SUNDSTRAND also admitted that, on Friday, August 29, 2003, the beginning of Labor Day Weekend, its employees transferred the contents of a concentrated nickel strip tank containing chelated copper to a holding tank in the wastewater treatment area. Shortly thereafter, the contents of the tank were released into the wastewater treatment system. Although the wastewater treatment system was not discharging at the time, the concentrated solution from the tank contaminated more than 100,000

gallons of wastewater, and turned the contents of the entire system blue. Some facility systems continued to operate throughout the holiday weekend and wastewater continued to enter the treatment system. By Monday, September 1, 2003, the primary holding tank (referred to as the equalization tank) was nearing capacity. Rather than stopping or rerouting wastewater flows or risk overflowing the equalization tank, HAMILTON SUNDSTRAND knowingly discharged tens of thousands of gallons of contaminated wastewater to the Farmington River between the morning of September 1 and the morning of September 2, 2003. The wastewater was not analyzed prior to the discharge and CT DEP was not notified. Subsequent analysis of a sample of the contaminated wastewater gathered on September 2, 2003 revealed very high concentrations of copper (23.74 mg/l) – well in excess of the instantaneous maximum levels allowed by the NPDES permit (3.0 mg/l). Samples gathered on September 3, 2003 violated both daily maximum and monthly average limits for copper. Samples collected on September 3, 2003 and September 9, 2003 also violated the permit's aquatic toxicity limits.

As part of the company's sentencing, HAMILTON SUNDSTRAND has also agreed to:

Make a contribution in the amount of \$500,000 to the Connecticut Statewide SEP Account, managed by the Connecticut Department of Environmental Protection (DEP), to be used to fund various ecosystem management projects in the Farmington River Basin, including, but not limited to, river restoration, dam removal, fish habitat enhancement, sediment removal, and stream bank stabilization;

Make a contribution in the amount of \$2,000,000 to the Connecticut Statewide SEP Account to be used to address the water quality impacts caused by farmland application of surplus manure from dairy farms;

Make a contribution in the amount of \$500,000 to the Connecticut Statewide SEP Account to procure or to develop and implement an electronic information management system for data required under the Clean Water Act and the Safe Drinking Water Act. The Connecticut DEP intends that this system will make monitoring data available to the public over the internet and will provide the Connecticut DEP with enhanced capabilities to monitor and assure compliance with permit terms and conditions;

Significantly reduce its emissions of carbon dioxide, carbon monoxide, nitrogen oxides, and sulfur dioxide below current levels by installing and operating a 5.4 megawatt modern gas turbine cogeneration-based combined heat and power facility by July 1, 2011. HAMILTON SUNDSTRAND will contribute a \$2,400,000 grant payment that it will receive from the Connecticut Department of Public Utility Control for constructing the Cogeneration Facility to the Connecticut Statewide SEP Account; and

Eliminate all process wastewater discharges to the Farmington River, reduce groundwater

remediation effluent discharges to the Farmington River, and improve its wastewater and reuse water collection and treatment facilities by installing and operating a Wastewater Treatment Facility Process Wastewater and Groundwater Reuse System, and expanding and reconfiguring its facilities for storing process wastewater, remediation groundwater, chromium process wastewater, and boiler and cooling tower waters; reconfiguring and relocating portions of its groundwater treatment systems; and modifying its WTF control room computer equipment. These environmental upgrades and improvements are expected to cost HAMILTON SUNDSTRAND approximately \$5,600,000. If the costs are less, HAMILTON SUNDSTRAND has agreed to pay the difference to the Connecticut Statewide SEP Account.

HAMILTON SUNDSTRAND has also agreed to submit regular progress reports to the Government and CT DEP and to institute a strict environmental compliance and training program. These include a regular certification by the President of HAMILTON SUNDSTRAND that the company is in compliance with the requirements of the Clean Water Act.

The Government has been unable to determine any lasting environmental harm or threat to public health due to HAMILTON SUNDSTRAND's illegal conduct.

This case was investigated by the Criminal Investigation Division of the Environmental Protection Agency with assistance from the Connecticut Department of Environmental Protection. The case was prosecuted by Assistant United States Attorney Eric J. Glover and Special Assistant United States Attorney Peter Kenyon.